

HOUSE BILL REPORT

HB 1753

As Reported by House Committee On:
State Government Operations & Accountability

Title: An act relating to voter registration procedures.

Brief Description: Enhancing voter registration recordkeeping.

Sponsors: Representatives Green, Nixon, Shabro, McDermott, Haigh, Hunt, Upthegrove, Moeller, Simpson, Sells and Linville; by request of Secretary of State.

Brief History:

Committee Activity:

State Government Operations & Accountability: 2/18/05, 3/2/05 [DPS].

Brief Summary of Substitute Bill

- Permits the use of a state identification card for voter registration.
- Provides for the issuance of a unique voter identification number if an applicant does not have a driver's license, state identification card or social security number.
- Requires confirmation notices to verify addresses to include a prepaid, pre-addressed return form.
- Compels the Secretary of State to check other state agency lists or databases for the purpose of identifying felons.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Haigh, Chair; Green, Vice Chair; Hunt, McDermott and Miloscia.

Minority Report: Do not pass. Signed by 4 members: Representatives Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Schindler and Sump.

Staff: Marsha Reilly (786-7135).

Background:

The Help America Vote Act of 2002 (HAVA) requires states to make changes to elections administration practices and provides federal funds for such purposes. Specifically, HAVA requires the creation of a statewide voter registration database; provisional voting capabilities; a driver's license or social security number from an individual registering to vote; mail-in registration forms to include certain questions relating to citizenship and age; early disability access voting; the establishment of a local government grant program; and applying the administrative complaint procedures to elections. Statutory changes made to satisfy HAVA were enacted in 2004 but do not become effective until January 1, 2006.

To register to vote, an application must be submitted to the appropriate county auditor. At a minimum the application must include the applicant's name, residential address, date of birth, and a signature attesting that the information provided is true.

Effective January 1, 2006, in order to be registered to vote an applicant must provide a Washington driver's license number or the last four digits of the applicant's social security number and must confirm that he or she is a United States citizen. If the registrant does not have a driver's license or social security number, a unique voter registration number will be issued.

The Secretary of State (Secretary) must verify that either the driver's license number or the last four digits of the social security number match information maintained by the Washington Department of Licensing (DOL) or the Social Security Administration (SSA). The Secretary must correspond with the applicant to resolve any discrepancy, and the applicant must respond with the requested information within 30 days, otherwise the Secretary must forward the application to the appropriate county auditor for document storage.

If a voter is convicted of a felony, he or she loses the right-to-vote. Cancellation of a felon's registration is done by the county auditor upon notification of such a conviction by the state or federal court. Effective January 1, 2006, a felon's registration may also be cancelled through a process of comparing a list of known felons provided by the Department of Corrections (DOC) with the statewide voter registration list.

Summary of Substitute Bill:

A Washington identification card will be accepted for purposes of registering to vote.

Requests for confirmation of a registered voter's address must include a postage prepaid, pre-addressed return form.

If the applicant's driver's licence or social security number does not match the information maintained by the DOL or the SSA, the applicant has 45 days, rather than 30 days, to respond to correspondence from either the Secretary or the county auditor. If the applicant does not respond in that time, he or she will not be registered to vote.

A copy of a current photo identification, utility bill, bank statement, paycheck, or government check or another government document showing the applicant's name and address may be

requested by the Secretary or county auditor if the primary information provided does not match information maintained by the DOL or the SSA.

A person who meets all the qualifications to vote shall not be denied this right because he or she does not have a traditional residential address. Voters with nontraditional addresses may register using the county courthouse, city hall, or other nearby public building as his or her residence. "Nontraditional address" is defined as a shelter, park, or other identifiable location that the voter deems as his or her residence.

The bill clarifies that voter registration application forms collected by persons or organizations may be sent either to the Secretary or the county auditor and the effective date of those registrations is the date the registrations are received by the Secretary or the county auditor.

When conducting a periodic comparison of the DOC felon list, the Secretary must also check other state agency lists and databases, including those maintained by the Washington State Patrol and the Office of the Administrator for the Courts, to screen for felons. The name of a person whose conviction has been overturned or who was convicted in another state and had their voting rights restored shall not be included on the felon list. The notice cancelling a person's voter registration based on a felony conviction must include an explanation of the requirements for restoring voting rights. A certificate of discharge or an order restoring civil rights may be used as proof that a felon has completed all sentencing requirements.

Once the county clerk receives a certificate of discharge from the superior court, the county clerk must notify the county auditor and the county auditor must notify the Secretary so that the statewide voter registration database may be updated. The Indeterminate Sentence Review Board and the Clemency and Pardons Board are required to immediately notify the Secretary when they issue a restoration of civil rights, also for purposes of updating the database.

The provision to compensate counties with less than 10,000 registered voters for maintenance of the voter registration records on electronic data processing systems is repealed.

Substitute Bill Compared to Original Bill:

The substitute bill identifies secondary forms of identification allowed under HAVA, requires voter registrants to check a box and sign a declaration confirming he or she is a citizen, and codifies the Washington Administrative Code allowing homeless voters to register at a public building. It adds the Washington State Patrol and the Office of the Administrator for the Courts to the list of agencies that must compare lists for purposes of removing felons from the voter registration database. The county auditor must send an explanation of the process for restoring the right-to-vote when canceling a voter's registration based on a felony conviction. The substitute bill outlines the process for notification for purposes for restoring voting rights to a person convicted as a felon and identifies a certificate of discharge or an order restoring civil rights as documents that may serve as proof of completing all sentencing requirements.

The substitute bill requires the county auditor, upon notification by the county clerk, to notify the Secretary when a certificate of discharge is issued by the superior court or a restoration of civil rights is issued by the indeterminate sentence review board or the clemency and pardons

board for purposes of updating the voter registration database. A person whose conviction has been invalidated or who has been convicted of a felony in another state and who has had his or her voting rights restored in that state shall not be included on the felon list.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2006.

Testimony For: (In support) This election reform legislation is a clean-up of the HAVA bill adopted last year. Fourteen counties will eliminate punchcard machines and a statewide database is being developed. Database maintenance for small counties is being funded through federal HAVA funds. The statewide database should be compared with other databases to identify felons. A physical address and mailing address is required on registrations. The statewide voter database will take time to become perfected. Voters who submit incomplete voter registration forms should be contacted and asked to provide the missing information or they should not be registered. The address requirements do not allow the homeless to vote. Counties cannot enhance applications. The county system is an honor system and counties have to rely on the information provided. County auditors are required to accept applications at face value.

(With concerns) It is important that the voter registration list be current and accurate, but there also needs to be a system allowing ex-felons to get back on voter rolls.

Testimony Against: None.

Persons Testifying: (In support) Representative Green, prime sponsor; Sam Reed, Secretary of State; Shane Hamlin and Katie Blinn, Office of the Secretary of State; Becky Cox, League of Women Voters; and Pat McCarthy, Washington State Auditor's Association.

(With concerns) Jennifer Shaw, American Civil Liberties Union.

Persons Signed In To Testify But Not Testifying: None.